



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

March 25, 2010

WHS 10-02

TO: COUNTY AGRICUTLURAL COMMISSIONERS

SUBJECT: PROPOSED AMENDMENTS TO TITLE 3 CCR SECTIONS PERTAINING TO
PERSONAL PROTECTIVE EQUIPMENT

The Department of Pesticide Regulation (DPR) proposes to amend 3 CCR sections; 6000, 6486.7, 6720, 6738, 6771(b), 6793; adopt section 6738.1, 6738.2, 6738.3, 6738.4 and repeal section 6736, dealing with personal protective equipment.

The pesticide regulatory program activities that will be affected most by this proposal are those pertaining to worker safety and personal protective equipment (PPE). These regulations are primarily contained in section 6738 and consist of a group of general requirements, followed by specific PPE requirement, interlaced with exemptions, followed by a final set of exemptions.

DPR's current PPE regulations were developed over decades, in a piecemeal fashion and are long over due for an update. The U.S. Environmental Protection Agency fairly recently promulgated an amendment to allow the use of absorbent glove liners underneath chemical-resistant gloves whereas present DPR regulations prohibit use of such liners. There are also problems with identifying the appropriate eye protection and glove materials and specific conditions of use exemption within DPR's current regulations. Lastly, DPR's regulatory definition of "assure or ensure" is different than ordinary (dictionary) usage of the words. Unfortunately, this definition puts County Agricultural Commissioners (CAC) in the difficult position of having to prove whether an employer's internal company practices and polices are of sufficient substance and include repercussions of enough significance, that employees are compelled to comply with PPE requirements.

This proposed action will clarify the PPE requirements, reducing ambiguity, and reorganize the regulatory requirements in a more logically cohesive format. It will align the eye protection requirements to a nationally recognized standard and it will make California's hand protection requirement consistent with the present U.S. EPA guidelines. Furthermore, removing the definition of "assure or ensure" will provide DPR and the CACs more discretion to make the best choice about how to administer and enforce the law.

County Agricultural Commissioners
March 25, 2010
Page 2

Please review this draft language and send any comments you have to George Farnsworth of my Worker Health and Safety Branch staff at: gfarnsworth@cdpr.ca.gov.

Sincerely,

[Original signed by S. Edmiston]

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PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10

TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.
Originally proposed deletions are indicated by ~~strikeout~~.
Originally proposed additions are indicated by underline.

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 1. PESTICIDE REGULATORY PROGRAM
SUBCHAPTER 1. DEFINITION OF TERMS
ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000 to read:

6000. Definitions.

...

"Assure" or **"Ensure"** means to take all reasonable measures so that the behavior, activity, or event in question occurs. ~~When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer's requirements, as well as other measures required by pesticide law or this division.~~

...

"Chemical-resistant" or **"Waterproof"** means a material that allows no measurable movement of the pesticide through it during use. ~~When a specific material is specified on pesticide product labeling, personal protective equipment constructed of that material shall be used.~~

...

"Conflict with Labeling" means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixing is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on-line at <http://www.ipm.ucdavis.edu>; or

(h) The use of personal protective equipment consistent with the exceptions and substitutions in section ~~6738~~ 6738.4.

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NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, and 14005, Food and Agricultural Code. Reference: Sections 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006, Food and Agricultural Code.

**CHAPTER 2. PESTICIDES
SUBCHAPTER 4. RESTRICTED MATERIALS
ARTICLE 5. USE REQUIREMENTS**

Amend section 6486.7 to read:

6486.7. Azinphos-Methyl.

(a) When employees apply azinphos-methyl using air carrier (air blast) ground equipment where any part of the airstream is directed at an angle above horizontal to the ground:

~~(1) Employee , employee~~ applicators shall wear a chemical-resistant suit over long-sleeved shirt and long-legged pants, chemical-resistant hood, chemical-resistant boots, chemical-resistant gloves, and a full-face respirator or a half-face respirator together with a face shield in addition to labeling-required personal protective equipment;

~~(2) If the employee applicator utilizes an enclosed cab and the work clothing and personal protective equipment specified in section 6738(i)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(i), where respiratory protection is required inside an enclosed cab, the respiratory protection shall meet labeling requirements.~~

NOTE: Authority cited: Sections 12981 and 14005, Food and Agricultural Code.
Reference: Sections 12980, 12981, 14001 and 14006, Food and Agricultural Code.

PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 2. GENERAL SAFETY REQUIREMENTS

Amend section 6720 to read:

6720. Safety of Employed Persons.

(a) The requirements of this article shall be complied with by the employer for the safety of employees handling pesticides.

(b) When only vertebrate pest control baits, solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges), insect monitoring traps or non-insecticidal lures are handled, the employer is exempt from the requirements of sections 6730 (Working Alone), and 6732 (Change Area), and 6736 (Coveralls) 6738.1(e).-

(c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of Title 3, California Code of Regulations sections specified below, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations.

<i>Title 3, CCR</i>	<i>Title 8, CCR</i>
6700	3200 and 3202
6702	3200 and 3203
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6732	3367
6734	3363 and 3366
6736	3383
6738-6738.4	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

(d) The provisions of sections ~~6726, 6734, and 6768 (Decontamination), 6726 and 6766 (Emergency Medical Care), 6736 (Coveralls), 6738(b) - (h) (Personal Protective Equipment), 6738.1-6738.4, 6739 (Respiratory Protection), 6766, 6768, and 6770 (Field Re-entry)~~ do not apply to licensed agricultural pest control advisers and registered professional foresters, or employees under their direct supervision, while performing, after the application is completed, crop adviser tasks, including field-checking or scouting, making observations of the well-being of the plants, or taking samples provided:

(1) They have been trained equivalent to the requirements of section 6724 (licensed agricultural pest control advisers are considered trained for the purposes of this exception); and

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

(2) The licensed agricultural pest control adviser or registered professional forester responsible for the direct supervision has:

(A) Made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks;

(B) Informed each employee under his or her direct supervision of the pesticide product and active ingredient(s) applied, method and time of application, the restricted entry interval, and determinations made pursuant to (A) above; and

(C) Instructed each employee under his or her direct supervision regarding which tasks to perform and how to contact him or her if the need arises.

(e) The provisions of this subchapter do not apply to employees handling consumer products packaged for distribution to, and use by, the general public, provided that employee use of the product is not significantly greater than the typical consumer use of the product.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

Repeal section 6736:

~~6736. Coveralls.~~

~~(a) The employer shall provide coveralls for each employee who handles any pesticide with the signal word "DANGER" or "WARNING" on the label except as provided in 6738(h).~~

~~(b) The employer shall assure that:~~

~~(1) Employees start each work day wearing coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING";~~

~~(2) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except as provided in 6738(h);~~

~~(3) Employees change out of their coveralls and wash at the end of the work day;~~

~~(4) Potentially contaminated coveralls removed at the worksite or headquarters are not taken home by employees; and~~

~~(5) Employees whose work day does not involve return to the employer's headquarters, remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.~~

~~(c) This section does not apply to employees using fumigants unless the pesticide product labeling expressly requires the use of coveralls.~~

~~NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.~~

Amend section 6738 to read:

6738. Personal Protective Equipment Care.

(a) The employer shall:

(1) Provide all ~~required~~ personal protective equipment required by pesticide product labeling, regulation, and restricted material permit condition, provide for its daily inspection and cleaning

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

(according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), and repair or replace any worn, damaged, or heavily contaminated personal protective equipment. Leather gloves ~~previously~~ used to apply only aluminum phosphide or magnesium phosphide pesticides and which have been aerated for 12 hours or more are considered cleaned;

(2) Assure that all clean personal protective equipment, when not in use, is kept separate from personal clothing and in a clean and pesticide-free, specifically designated place; .

~~(3) Assure that appropriate measures are taken to prevent heat-related illness when necessary;~~

~~(4)~~ (3) Assure that personal protective equipment is used correctly for its intended purpose.

~~(5) Discard any absorbent materials that have been drenched or heavily contaminated with a pesticide or contaminated with a pesticide with the signal word "DANGER" or "WARNING";~~

~~(6)~~ (4) Keep and wash potentially contaminated personal protective equipment separately from other clothing or laundry; .

~~(7)~~ (5) Assure that all clean personal protective equipment is either dried thoroughly before being stored or is put in a well ventilated place to dry; .

~~(8)~~ (6) Assure that personal protective equipment remains the property of the employer and that pesticide handlers are not allowed or directed to take potentially contaminated personal protective equipment into their homes. However, employees whose work day does not involve return to the employer's headquarters, shall remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.

~~(9)~~ (7) Assure that any person or firm assigned or hired to clean or repair potentially contaminated personal protective equipment is protected and informed in accordance with the requirements of section 6744 (Equipment Maintenance).

~~(b) The employer shall assure that:~~

~~(1) Employees wear protective eyewear when required by pesticide product labeling (except as expressly provided in this section) or when employees are engaged in:~~

~~(A) Mixing or loading, except as provided in 6738(h);~~

~~(B) Adjusting, cleaning, or repairing mixing, loading, or application equipment that contains pesticide in hoppers, tanks, or lines;~~

~~(C) Application by hand or using hand held equipment, except when:~~

~~1. Applying vertebrate pest control baits that are placed without being propelled from application equipment;~~

~~2. Applying solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows;~~

~~3. Baiting insect monitoring traps; or~~

~~4. Applying non-insecticidal lures.~~

~~(D) Ground application using vehicle mounted or towed equipment, except when:~~

~~1. Injecting or incorporating pesticides into soil;~~

~~2. Spray nozzles are located below the employee and the nozzles are directed downward; or~~

~~3. Working in an enclosed cab; or~~

~~(E) Flagging, except when the flagger is in an enclosed cab.~~

~~(2) Whenever protective eyewear is required, one of the following types of eyewear is worn:~~

~~(A) Safety glasses that provide front, and supplemental brow and temple protection (Common eyeglasses, including sunglasses, do not meet this requirement);~~

~~(B) Goggles;~~

~~(C) Face shield;~~

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

- ~~(D) Full face mask used in conjunction with respiratory protection; or~~
- ~~(E) Visor (for aircraft operation only).~~
- ~~(c) The employer shall assure that:~~
 - ~~(1) Gloves are worn when required by the pesticide product labeling (except as expressly provided in this section) or (unless the pesticide product labeling specifies that gloves must not be worn), when employees are engaged in:~~
 - ~~(A) Mixing or loading, except as provided in 6738(h);~~
 - ~~(B) Adjusting, cleaning or repairing contaminated mixing, loading, or application equipment; and~~
 - ~~(C) Application by hand or using hand-held equipment, except when applying vertebrate pest control baits using long handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment.~~
 - ~~(2) If a specific type of glove is not specified on product labeling for the pesticide being handled, gloves made of rubber, neoprene, or other chemical resistant material that provides equivalent or better protection are used. Gloves or glove linings of leather, cotton, or other absorbent materials shall not be worn unless expressly permitted by pesticide product labeling. If chemical resistant gloves with sufficient durability and suppleness are not available, leather gloves may be worn over chemical resistant glove liners. Once leather gloves have been used for this purpose, they shall not be worn in any other situation.~~
- ~~(d) The employer shall assure that:~~
 - ~~(1) When chemical resistant footwear is specified by the pesticide product labeling, one of the following types of footwear is worn:~~
 - ~~(A) Chemical resistant shoes;~~
 - ~~(B) Chemical resistant boots; or,~~
 - ~~(C) Chemical resistant coverings worn over boots or shoes.~~
 - ~~(2) For aircraft operation, chemical resistant footwear need not be worn.~~
- ~~(e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.~~
- ~~(f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid chest to the knees is worn.~~
- ~~(g) The employer shall assure that:~~
 - ~~(1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, a chemical resistant suit that covers the torso, head, arms, and legs is worn.~~
 - ~~(2) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise) pesticides requiring a chemical resistant suit are not handled by employees unless they are handled pursuant to exceptions and substitutions permitted in (h) or employees use cooled chemical resistant suits or other control methods to maintain an effective working environment at or below 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).~~
- ~~(h) The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulations are permitted:~~
 - ~~(1) Persons using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING" may substitute coveralls, chemical resistant gloves, and a chemical resistant apron for personal protective equipment required by pesticide product labeling;~~

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

~~(2) Persons using a closed system to handle pesticide products with the signal word "CAUTION" may substitute work clothing for personal protective equipment required by pesticide product labeling;~~

~~(3) Persons using a closed system that operates under positive pressure shall wear protective eyewear in addition to the personal protective equipment listed in (1) or (2). Persons using any closed system shall have all personal protective equipment required by pesticide product labeling immediately available for use in an emergency;~~

~~(4) Persons properly mixing pesticides packaged in water soluble packets are considered to be using a closed (mixing) system for the purposes of this subsection;~~

~~(5) Persons occupying an enclosed cab (including cockpit) may substitute work clothing for personal protective equipment required by pesticide product labeling. If respiratory protection is required it must be worn, except in an enclosed cockpit;~~

~~(6) Persons occupying an enclosed cab acceptable for respiratory protection may substitute work clothing for personal protective equipment required by pesticide product labeling;~~

~~(7) Persons working in an enclosed cab, as specified in (5) and (6), other than an aircraft, shall have all personal protective equipment required by pesticide product labeling immediately available and stored in a chemical resistant container, such as a plastic bag. Labeling required personal protective equipment shall be worn if it is necessary to work outside the cab and contact pesticide treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it shall be removed and stored in a chemical resistant container, such as a plastic bag, before reentering the cab;~~

~~(8) A chemical resistant suit may be substituted for coveralls and/or a chemical resistant apron; and~~

~~(9) Pest control aircraft pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag.~~

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.1 to read:

6738.1 Personal Protective Equipment Use.

Personal protective equipment (PPE) may be required by pesticide product labeling, regulations, or restricted material permit conditions. Except as provided in section 6738.4, the employer shall assure that:

(a) Employees wear protective eyewear as specified in section 6738.2 when employees are mixing, loading, or applying pesticides by hand or ground rig, and when exposed to application, mixing, or loading equipment (such as but not limited to hoppers, tanks, or lines) that contains or is contaminated with pesticide.

(b) Employees wear chemical-resistant gloves as specified in section 6738.3 when employees are mixing, loading, or applying pesticides by hand or ground rig, or when exposed to application equipment (such as but not limited to aircraft, hoppers, tanks, or lines) that contains or is contaminated with pesticide.

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

(c) Employees wear chemical-resistant footwear when required. Unless specified on the pesticide product labeling, chemical-resistant shoes, chemical-resistant boots, or chemical-resistant coverings worn over shoes or boots meet this requirement.

(d) Employees wear a chemical-resistant hood or a wide-brim chemical-resistant hat when chemical-resistant headgear is required.

(e) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except when using fumigants unless the pesticide product labeling expressly requires the use of coveralls.

(f) Employees wear a chemical-resistant apron when required. The apron must cover the body from mid-chest to the knees.

(g) Employees wear a chemical-resistant suit that covers the torso, head, arms, and legs when a full-body chemical-resistant suit is required.

(1) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise), employees required to wear a chemical-resistant suit must not handle the pesticide(s) unless the pesticide is handled pursuant to subsections 6738.4(c) or (e); or employees use cooled chemical-resistant suits, or engineering controls, to reduce temperatures to an effective working environment of 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.2 to read:

6738.2 Selection of Protective Eyewear.

The employer shall assure that appropriate protective eyewear is worn when its use is required.

(a) Whenever protective eyewear is required, and the labeling does not identify a specific type, one of the following types of eyewear or eye protective devices bearing evidence of compliance with American National Standards Practice for Occupational and Education Eye and Face Protection ANSI Z87.1 - 1989 or ANSI Z87.1 – 2003 must be worn:

(1) Safety spectacles that provide front, brow, and temple protection. Safety spectacles are considered brow and temple protective if they conform to the curvature of the face and provide side exposure protection to the eyes.

(2) Goggles.

(3) Face shield.

(b) If the pesticide labeling identifies a specific type of protective eyewear, that specified eyewear or more protective eyewear, must be worn.

(c) Use of a respirator with a full-face mask approved by the National Institute of Occupational Safety and Health (NIOSH) will satisfy the protective eyewear requirement, unless specifically prohibited by the pesticide labeling.

(d) The wearing of prescription lenses must not interfere with the fit and function of the protective eyewear and the protective eyewear must not interfere with the fit and function of prescription lenses.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.3 to read:

6738.3 Selection of Gloves.

The employer shall assure that appropriate chemical-resistant gloves are worn by employees when their use is required.

(a) If the barrier material is specified by a category on the product labeling, the required glove material must be:

(1) Category A: barrier laminate, butyl rubber, nitrile rubber, neoprene, natural rubber, polyethylene, polyvinyl chloride (PVC), or Viton®.

(2) Category B: barrier laminate or butyl rubber.

(3) Category C: barrier laminate, butyl rubber, nitrile rubber, neoprene, PVC, or Viton®.

(4) Category D: barrier laminate or butyl rubber.

(5) Category E: barrier laminate, nitrile rubber, neoprene, or Viton®.

(6) Category F: barrier laminate, butyl rubber, nitrile rubber, or Viton®.

(7) Category G or H: barrier laminate, or Viton®.

(b) If use of chemical-resistant gloves is required by pesticide labeling without specification of a barrier material or category, the barrier material may be any cited in (a).

(c) Except for barrier laminate and polyethylene, all barrier materials must be 14 mils or thicker. However, chemical-resistant gloves thinner than 14 mils may be used for a maximum of 15 minutes to make fine adjustments to equipment or other activities that require high dexterity and motor control skill, provided they are made of an appropriate barrier material, as specified in (a) and (b) above. Such gloves may only be used once for such specific tasks and must be discarded and not reused after the task is accomplished.

(d) Separable glove liners made of cotton or other absorbent materials may be worn under chemical-resistant gloves unless expressly prohibited by pesticide product labeling. The glove liners must not extend beyond the end of the chemical-resistant glove. Glove liners must be disposed of at the end of the workday, or immediately if any portion of the liner comes in contact with pesticide during the workday.

(1) Flocked gloves or those with other types of non-separable liners are prohibited.

(e) Leather gloves may be worn over chemical-resistant gloves when required by working conditions. Once leather gloves have been used for this purpose, they must not be worn without being worn over chemical-resistant gloves.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.4 to read:

6738.4 Personal Protective Equipment Exemptions.

The following exceptions and substitutions to personal protective equipment required by pesticide product labeling, regulation, or restricted material permit condition are permitted. However, employers shall assure that all exempted personal protective equipment is present and

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

available for use at the worksite and stored in a chemical-resistant container, such as a plastic bag, even if the personal protective equipment's use is exempted by this section.

(a) Chemical-resistant gloves and protective eyewear are not required when:

(1) prohibited by pesticide labeling instructions;

(2) applying or flagging in an enclosed cab;

(3) using vehicle-mounted or towed equipment with spray nozzles that are located below the employee and directed downward;

(4) applying vertebrate pest control baits using long-handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment;

(5) using an application system approved by the Director that is engineered to provide a level of protection to the employee that is equivalent to, or better than, the required personal protective equipment; or

(6) operating an aircraft.

(b) Protective eyewear is not required when:

(1) applying non-insecticidal lures or baiting insect monitoring traps;

(2) applying solid fumigants to (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows; or,

(3) applying vertebrate pest control baits that are placed without being propelled from application equipment.

(c) Protective eyewear, coveralls, chemical-resistant gloves, and a chemical-resistant apron may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING". For purposes of this subsection and subsection (d), persons mixing pesticides packaged in water-soluble packets are considered to be using a closed system.

(d) Protective eyewear and work clothing may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word "CAUTION".

(e) Work clothing may be worn instead of personal protective equipment required by pesticide product labeling when occupying an enclosed cab. Respirator use is not exempted unless the cab is an enclosed cab acceptable for respiratory protection.

(f) Coveralls are not required to be worn when using fumigants unless the pesticide product labeling expressly requires the use of coveralls.

(g) Respiratory protection is not required to be worn when occupying an enclosed aircraft cockpit.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

ARTICLE 3. FIELD WORKER SAFETY

Amend section 6771(b) to read:

6771. Requirements for Early Entry Fieldworkers.

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**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

(b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. All personal protective equipment shall be inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free, specifically designated place, when not in use. All required personal protective equipment required for fieldworker employees shall meet the applicable standards in section 6738 ~~and~~ through 6739.

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NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

ARTICLE 5. MINIMAL EXPOSURE PESTICIDES

Amend section 6793to read:

6793. Minimal Exposure Pesticide Safety Use Requirements.

(a) The employer shall provide a clothing change area and instructions, as required by section 6732, for employees who handle minimal exposure pesticides for any period of time, regardless of the toxicity category of the product used.

(b) The employer shall provide washing facilities, as specified in section 6734, where minimal exposure pesticides are mixed or loaded, regardless of the toxicity category of the product used.

(c) The employer shall provide and maintain ~~work clothing coveralls~~, as specified in section ~~6736~~ 6738.1(e) and require it to be worn, regardless of the toxicity category.

(d) The employer shall provide a closed system, as defined in section 6000, and require its use by all employees who mix, load, or transfer liquid formulations or load diluted liquid mixes derived from dry formulations of minimal exposure pesticides, regardless of the toxicity category of the product used. The requirements of this subsection do not apply to:

(1) Employees who handle a total of one gallon or less of these pesticides per day exclusively in original containers of one gallon or less; or

(2) Regulatory personnel collecting samples of these pesticides according to official sampling procedures.

(e) The employer shall provide and require employees to wear full-body, chemical-resistant protective clothing, as specified in subsections ~~6738(g)~~ 6738.1(g), when handling minimal exposure pesticides. Employees working in the following situations are not required by this subsection to wear chemical-resistant, full-body protective clothing, but this clothing shall be present at the work site:

(1) Employees using a closed system, or sealed water soluble packets, while mixing, loading, or transferring these pesticides. These employees shall wear a chemical-resistant apron, chemical-resistant gloves, and chemical-resistant boots;

(2) Employees working as applicators in enclosed cabs;

(3) Employees working as flaggers in enclosed vehicles;

(4) Applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and

**PRE-DECISIONAL DOCUMENT
FOR INTERNAL DISCUSSION ONLY 3-23-10**

(5) Applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee.

(f) The employer shall provide and require employees to wear respiratory protection, as specified in section 6739, when engaged in:

(1) Hand application or ground application of minimal exposure pesticides, except:

(A) (Reserved);

(B) Applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and

(C) Applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee;

(2) Flagging during an application of a minimal exposure pesticide, except flaggers in enclosed vehicles; and

(3) Mixing or loading dry formulations of minimal exposure pesticides, except mixers or loaders using sealed water-soluble packets.

(g) All protective clothing and equipment shall be cleaned inside and out or discarded at the end of the day's use.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.